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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kjell Undheim

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EXAMINER

PESELEV, ELLI

ART UNIT

PAPER NUMBER

1623

NOTIFICATION DATE

DELIVERY MODE

03/09/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

The abstract of the disclosure is objected to because it has not been presented on a separate page. Correction is required. See MPEP § 608.01(b).

Applicant's arguments filed December 17, 2008 have been fully considered but they are not persuasive.

The amendment to the Abstract has been noted. However, since no Abstract in the proper domestic form was filed previously, it is not clear what is being amended.

Claims 6, 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "comprising" (claim 6, line 1) renders the claims indefinite since it leaves the structural formula III open-ended i.e. the metes and bounds of the claimed invention cannot be determined.

The terminology "(8) cyclic substituents (i) aryl, and optionally substituted aryl (ii) heteroaryl, and optionally substituted heteroaryl...(claim 6) renders the claims indefinite since it is not from the claim if the terminology "cyclic substituents" was meant to be "cyclic substituents selected from the group consisting of (i) aryl, and optionally substituted aryl..."

There is no antecedent basis in the claimed structure III for the terminology "subject to the proviso that when the structure is IV, Z and M are part of a five- or six-membered ring..." (claim 6).

Applicant's arguments filed December 17, 2008 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elli Peselev whose telephone number is (571) 272-0659. The examiner can normally be reached on 8.00-4.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia Jiang can be reached on (571) 272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Elli Peselev
/Elli Peselev/
Primary Examiner, Art Unit 1623